

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : George M. Johnson, et al.

Group Art Unit 3736

Appl. No. : 09/702,002

Filed : October 30, 2000

For : METHOD AND DEVICE FOR
TREATING GASTROESOPHAGEAL
REFLUX DISEASE

Examiner : Unknown


WRITTEN CONSENT OF ASSIGNEE
IN SUPPORT OF PETITION FOR CORRECTION OF INVENTORSHIP
UNDER 37 C.F.R. §1.48(a)

Endonetics, Inc., a California corporation located at 11100 Roselle Street, San Diego, CA 92121, is the owner and assignee of record of the above-identified patent application. A copy of the assignment reflecting the chain of title to Endonetics, Inc. is attached hereto.

The assignee is aware of the error with respect to inventorship of the above-identified patent application. The assignee hereby consents to the requested correction of inventorship which adds Philip J. Simpson as a joint inventor of the above-referenced patent.

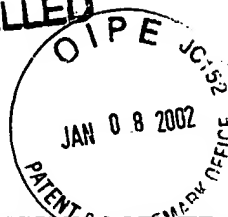
Respectfully submitted,

ENDONETICS, INC.


John T. Kilcoyne
President & Chief Executive Officer

RECEIVED
JAN 15 2002
TO 3700 MAIL ROOM

ENDONET.023CP3



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PATENT

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PETITION TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is a petition under 37 C.F.R. § 1.48(a) to correct inventorship in U.S. Patent Application No. 09/702,002, filed on October 30, 2000. The application, as filed, unintentionally omitted one inventor, Philip J. Simpson. The correct inventors in this application are George M. Johnson, John T. Kilcoyne, Ross Tsukashima, Matthew T. Yurek, Scott Harris, and Philip J. Simpson.

Thus, the following inventor should be ADDED to the patent application:

Name: Philip J. Simpson
Residence: 3185 Pioneer Place, Escondido, CA 92025
Citizenship: U.S.A.

Accompanying this petition are the following documents: 1) a statement of lack of deceptive intention on the part of Philip J. Simpson; 2) a declaration by the actual inventors as

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Appl. No. : 61,002,002
Filed : October 30, 2000

required by 37 C.F.R. § 1.63; 3) the processing fee set forth in 37 C.F.R. § 1.17(i); and 4) the written consent of the assignee, Endonetics, Inc.

Accordingly, it is requested that this Petition be GRANTED and the inventorship of the patent application be corrected.

Please charge any additional fees or credit overpayment to Deposit Account No. 11-1410.

If there are any questions regarding this petition, please contact the undersigned attorney at (949) 760-0404.

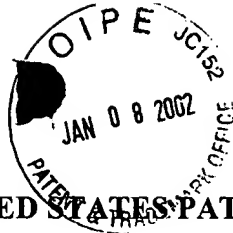
Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 12/11/01

By: James W. Hill
James W. Hill, M.D.
Registration No. 46,396
Attorney of Record
620 Newport Center Drive
Sixteenth Floor
Newport Beach, CA 92660

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : George M. Johnson, et al.

Group Art Unit 3736

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Examiner : Unknown

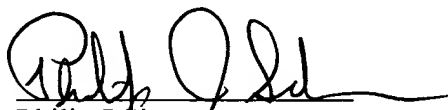
**STATEMENT BY PHILIP SIMPSON
TO CORRECT INVENTORSHIP UNDER 37 C.F.R. § 1.48(a)**

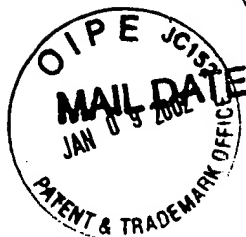
I, Philip J. Simpson, am a United States citizen residing at 3185 Pioneer Place, Escondido, CA 92025. I should be a named inventor in U.S. Patent Application No. 09/702,002, filed on October 30, 2000. I was omitted as an inventor unintentionally, through no deceptive intention on my part.

I now desire to correct inventorship pursuant to 37 C.F.R. § 1.48(a). The correct inventors in this case are George M. Johnson, John T. Kilcoyne, Ross Tsukashima, Matthew T. Yurek, Scott Harris, and Philip J. Simpson.

I have assigned all my interest in this patent application and this invention to Endonetics, Inc., a California corporation located at 11100 Roselle Street, San Diego, CA 92121

Respectfully submitted,


Philip J. Simpson

**DECLARATION - USA PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHOD AND DEVICE FOR TREATING GASTROESOPHAGEAL REFLUX DISEASE**; the specification of which was filed on **October 30, 2000** as Application Serial No. **09/702,002**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application

Application No.: **09/287,607**

Filing Date: **04/07/99**

Status: **Issued**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **GEORGE M. JOHNSON**

Inventor's signature

Date

11/7/01

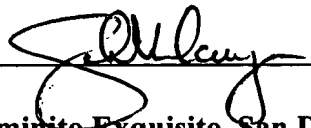
Residence: **1841 Derby Drive, Santa Ana, CA 92705**

Citizenship: **United States**

Post Office Address: **Same as above**

Full name of second inventor: **JOHN T. KILCOYNE**

Inventor's signature



Date

11/06/01

Residence: **5265 Caminito Exquisito, San Diego, CA 92130**

Citizenship: **United States**

Post Office Address: **Same as above**

Full name of third inventor: **ROSS TSUKASHIMA**

Inventor's signature



Date

11/7/01

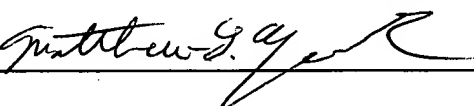
Residence: **11257 Willow Wood Drive, San Diego, CA 92127**

Citizenship: **United States**

Post Office Address: **Same as above**

Full name of fourth inventor: **MATTHEW T. YUREK**

Inventor's signature



Date

11/7/01

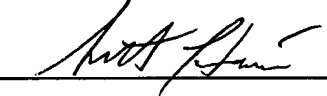
Residence: **12957 La Tortola, San Diego, CA 92129**

Citizenship: **United States**

Post Office Address: **Same as above**

Full name of fifth inventor: **SCOTT HARRIS**

Inventor's signature



Date

Nov 07, 2001

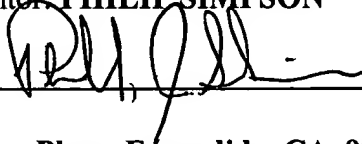
Residence: **3622 Oliphant Street, San Diego, CA 92016**

Citizenship: **United States**

Post Office Address: **Same as above**

Full name of sixth inventor: **PHILIP SIMPSON**

Inventor's signature



Date

11/07/01

Residence: **3185 Pioneer Place, Escondido, CA 92025**

Citizenship: **United States**

Post Office Address: **Same as above**

Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP

Customer No. 20,995

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Application No.: 09/702,002
Filing Date: October 30, 2000

PATENT
Client Code: ENDONET.023CP3
Page 1

ASSIGNMENT

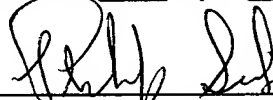
WHEREAS, I, ^{PHILIP PJS} Phillip Simpson, a United States citizen, residing at 3185 Pioneer Place, Escondido, CA 92025, have invented certain new and useful improvements in a METHOD AND DEVICE FOR TREATING GASTROESOPHAGEAL REFLUX DISEASE for which an application for U.S. Letters Patent has been filed October 30, 2000, U.S. Patent Application No. 09/702,002;

AND WHEREAS, ENDONETICS, INC. (hereinafter "ASSIGNEE"), a California Corporation, with its principal place of business at 11100 Roselle Street, San Diego, CA 92121, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said inventor, do hereby acknowledge that I have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, his successors, legal representatives and assigns, any and all right, title, and interest I do or may own throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and I hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, his successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I will communicate to the said ASSIGNEE, his successors, legal representatives and assigns, any facts known to me respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, his successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 30 day of OCTOBER, 2001.



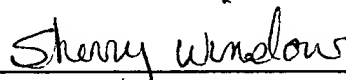
Phillip Simpson
PHILIP PJS

STATE OF California }
COUNTY OF San Diego } ss.

On October 30, 2001 before me, Sherry Winslow, personally appeared Phil Simpson personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



Notary Signature

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